

Entered - 01/09/03 - sb
CL03L0015 - DIANNE C. MITCHELL

CLAIM OF: **ROBERT S. ROBBINS**
2922 Mabry Lane
Atlanta, Georgia 30319

03-*R*-0641

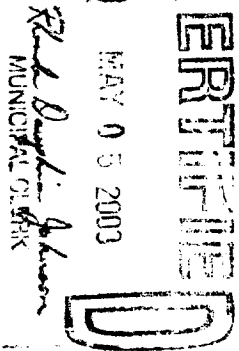
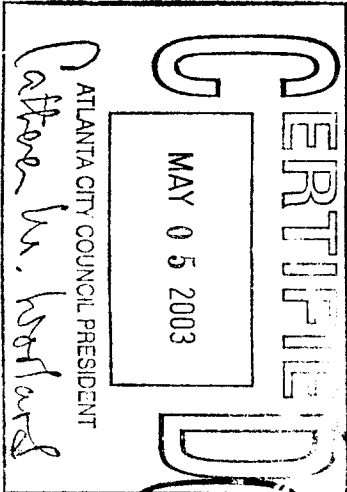
ADOPTED BY
MAY 0 5 2003
COUNCIL

For damages alleged to have been sustained as a result of a dead tree threatening the property located at 2922 Mabry Lane

THIS ADVERSE REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4/29/05

CHAIR: [Signature]

[Signature]

C. T. Martin

[Signature]

Kary Woodward

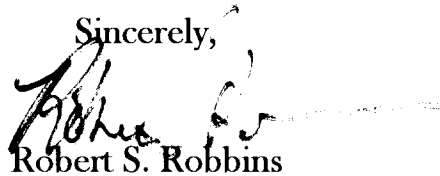
[Signature]

Page 2
December 30, 2002
Franklin, DiSantis, Mobley

for the City of Atlanta, and his assistant, Helen, regarding the dangers associated with this dead tree located of Fulton County property. We submitted an Application for Tree Removal Permit to the City of Atlanta and Frank Mobley. The rejection of our Application was apparently because the subject Fulton County property was not owned by the City of Atlanta/Fulton County. However, after extensive research of all the property surrounding this area in the real property records of Fulton County, including but not limited to, surveyor drawings and legal descriptions, we have determined that indeed this is Fulton County property.

Therefore, demand is hereby made upon you to remove this dead tree within ten (10) days from receipt of this letter. If after ten (10) days you have not removed this dead tree, I will contract with a professional tree removal service and have it removed. Accordingly, I will file a lawsuit against you to recover my entire out-of-pocket expenses, including court costs and fees. I will also contact the media regarding your mishandling this matter.

Time is of the essence. I look forward to your timely response.

Sincerely,

Robert S. Robbins

Cc: T. Michael Hurley, Jr., Attorney
USAA Insurance Company - 7001 2510 0006 2764 8702

03- R -0641

ROBERT S. ROBBINS
2922 Mabry Lane
Atlanta, Georgia
404-995-8559
bobrobbins@mindspring.com

YAKILS
Mitchell
1-9-03
01/09/03
DM

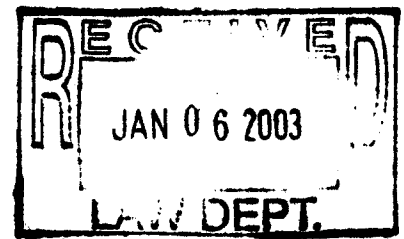
December 30, 2002

ENTERED - 1-9-03 - SB
03L0015 - ~~FAVE FIRST~~ DEM

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Shirley Franklin - 7001 2510 0006 2764 8733
City of Atlanta Mayor
55 Trinity Avenue
Atlanta, GA 30303

Ms. Linda DiSantis - 7001 2510 0006 2764 8726
Atlanta City Attorney
Atlanta Department of Law
68 Mitchell Street
Suite 4100
Atlanta, GA 30303



Mr. Frank Mobley, Senior Arborist - 7001 2510 0006 2764 8719
City of Atlanta Bureau of Buildings
55 Trinity Avenue
Suite 3900
Atlanta, GA 30335

RE: Property: 2922 Mabry Lane
Atlanta, GA 30319

Dear Honorable Franklin, Ms. DiSantis, and Mr. Mobley:

Even though my property is in Dekalb County, my backyard property line meets the ~~Fulton County~~ line. Approximately 10 feet beyond my property line, which is Fulton County property, is a very large dead tree. This dead tree, may, at any time, fall on the structures on my property causing extensive damage. Worse yet, my three small children regularly play in the backyard, and therefore, this tree is endangering the health and welfare of my children as well as my wife and me.

On August 23, 2002 we contacted and notified Frank Mobley, Senior Arborist

Con't.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0015

Date: April 16, 2003

Claimant /Victim ROBERT S. ROBBINS

BY: (Atty)(Ins. Co.) _____

Address: 2922 Mabry Lane, Atlanta, Georgia 30319

Subrogation: _____ Claim for Property damage \$ Not Stated Bodily Injury \$ _____

Date of Notice: 01/06/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/23/02 Place: 2922 Mabry Lane

Department Planning, Development and Neighborhood Development Division: _____

Employee involved _____ Disciplinary Action: Pending

NATURE OF CLAIM: The claimant is alleging that his property is being threatened by a dead tree located on City property. The investigation determined that the location of the tree is on an abandoned alley that is owned by the claimant and the abutting property owner. The claimant has been advised that the removal of the tree is the responsibility of the property owner and not the City of Atlanta.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

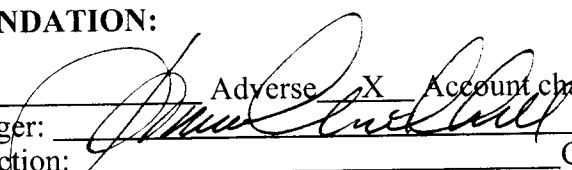
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 04-17-03

Committee Action: _____ Council Action _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

May 12, 2003

Robert S. Robbins
2922 Mabry Lane
Atlanta, GA 30319

03-R-0641

Dear Mr. Robbins:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 05, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department